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HOUSE BILL 2407 By
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SENATE BILL 2598
By Blackburn

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, relative to HIV testing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following as a new appropriately designated section:

39-13-1___. (a) When a person is initially arrested for a violation of § 39-13-102 involving serious bodily injury, that person shall undergo HIV testing immediately if the victim of the assault is one of the persons described in § 39-13-102(d). A licensed medical laboratory shall perform such test at the expense of the arrestee. The arrestee shall obtain a confirmatory test when necessary. The arrestee shall be referred to appropriate counseling.

(b)(1) The licensed medical laboratory shall report the results of the HIV test required under this section immediately to the victim of the assault.

(2) The result of the HIV test required under this section is not a public record and shall be available only to:

(A) The victim of the assault;

- (B) The parent or guardian of a minor or incapacitated victim;
- (C) The attending physician of the person tested and of the victim;
- (D) The department of health;
- (E) The department of correction;
- (F) The person tested; and
- (G) The district attorney general prosecuting the case.

(c) If the arrestee's test indicates that the arrestee is infected with HIV, then the arrestee shall be responsible for the victim's medical bills, laboratory bills and other expenses related to such victim's exposure to HIV, upon a finding that such exposure was from the arrestee.

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.